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Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B.E.P.Q. 499, Supp. 1, 4th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

JAPANESE BEETLE ADMINISTRATIVE INSTRUCTIONS MODIFIED

Introductory note. It has been found as a result of additional experiments with treatments for freeing nursery stock and potted plants from the immature stages of the Japanese beetle that the methyl bromide fumigation treatments may be further modified. Accordingly these instructions provide for a temperature of 67° F. instead of 70° as heretofore, for the 2½-hour treatment with a 2-pound dosage; and for 73° under a 2½-hour treatment with a 1½-pound dosage. The diameter of the soil balls in all treatments is placed at a maximum of 14 inches instead of 12 inches as heretofore.

Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by § 301.48-6, [regulation 6 of the rules and regulations supplemental to Notice of Quarantine No. 48] subsection (1) (5) of § 301.48b¹ [on page 13 of the mimeographed edition of circular B.E.P.Q. 499, issued June 9, 1939] is hereby further modified effective August 9, 1941, to read as follows:

§ 301.48b *Administrative instructions to inspectors on the treatment of nursery products, fruits, vegetables, and soil, for the Japanese beetle—Treatment authorized.*

(1) *Treatment of plants after digging.*

(5) *Methyl bromide fumigation—(1) Equipment.* An approved fumigation chamber equipped with vaporizing, air-circulating, and ventilating systems must be provided.

¹ This section was originally issued as § 301.48a.

(ii) *Application.* After the chamber is loaded, the methyl bromide must be vaporized within it. The air within the chamber must be kept in circulation during the period of fumigation. At the completion of the treatment, the chamber must be well ventilated before it is entered and the plants removed. The ventilating system should also be in continuous operation during the entire period of removal of the fumigated articles.

(iii) *Fumigation of plants, with or without soil—(a) Temperatures, periods of treatment, and dosages.* The temperature of the soil (with bare root stock, the root spaces) and of the air for each type of treatment must remain throughout the entire period of treatment at the minimum specified in the following table, or higher:

| Temperature at least | Period of treatment | Dosage (methyl bromide per 1,000 cubic feet) |
|----------------------|---------------------|--|
| | Hours | Pounds |
| 1. 73° F.----- | 2½ | 1½ |
| 2. 67° F.----- | 2½ | 2 |
| 3. 63° F.----- | 2½ | 2½ |
| 4. 60° F.----- | 3 | 2½ |
| 5. 67° F.----- | 3½ | 2½ |
| 6. 64° F.----- | 4 | 2½ |
| 7. 60° F.----- | 4½ | 2½ |

The dosage shall be for each 1,000 cubic feet including the space occupied by the load.

(b) *Preparation of plants.* The treatment is to be applied to plants with bare roots or in 14-inch pots or smaller, or in soil balls not larger than 14 inches in diameter nor thicker than 14 inches when not spherical. The soil should not be puddled or saturated and must be in a condition which in the judgment of the inspector is suitable for fumigation. The plants should be stacked on racks or separated so that the gas can have access to both top and bottom surfaces of pots or soil balls. While not essential that the balls be completely separated from each other they should not be jammed tightly together. Treatments 2 and 3 may be employed in fumigating packaged plants prepared in a manner satisfactory to the inspector.

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(c) *Varieties of plants.* The list of plants, including greenhouse, perennial, and nursery-stock types treated experimentally, is subject to continual expansion and, moreover, is too great to include in these instructions.

The schedule for the fumigation of strawberry plants as specified in subsection (1) (5) (ii) of § 301.48b [page 14 of the mimeographed edition of circular B.E.P.Q. 499] remains the same as heretofore.

This supplement supersedes Supplement No. 1—revised, dated April 11, 1941. Done at Washington, D. C., this 6th day of August 1941.

[SEAL] AVERY S. HOYT,
Acting Chief.

[F. R. Doc. 41-5937, Filed, August 12, 1941; 1:24 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER III—CLAIMS AND ACCOUNTS

PART 38—ALLOTMENTS OF PAY¹

§ 38.7 *Deductions for support of dependents of enlisted men.* Enlisted men absent from their permanent stations on extended temporary duty or maneuvers in the United States may, under the provisions of the act of March 2, 1899 (30 Stat. 981), as amended, authorize deductions from their pay for the support of their dependents. The amount of such deductions, not exceeding net amount due, will be entered on the pay roll by the personnel officer. Disbursing officers making deductions from the pay of enlisted men for the support of their dependents, will draw checks payable to the individual named on the pay roll and forward them direct to such individual after payment. The amount of such deductions may be increased or decreased each month as authorized by the enlisted men. (Sec. 16, 30 Stat. 981; 40 Stat. 385; 52 Stat. 354; 10 U.S.C. 894) [Par. 28, AR 35-5520, March 4, 1941, as added in Cir. 153, W.D., July 31, 1941]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-5942; Filed, August 13, 1941; 9:44 a. m.]

¹ § 38.7 is added.

CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS¹

§ 81.3 *Taxes—(a) Information to be included in invitations for bids, bids, contracts, and instructions to bidders—(1) Applicable Federal taxes.* Invitations for bids, bids, and contracts will include the following tax condition:

Prices herein include any Federal tax or charge heretofore imposed by the Congress which is applicable to the supplies covered hereby. If after the date set for the opening of bids, or in the case of a negotiated contract, after the date of the award, the Congress shall impose, remove, or change any sales tax, duty, excise tax, or any other tax or charge, directly applicable to the supplies covered hereby, or other materials used in the manufacture thereof, or directly upon the importation, production, processing, manufacture, or sale of such supplies or materials, which tax or charge must be borne by the contractor because of a specific contractual obligation or by operation of law, and if the contractor has paid such tax or charge to the Federal Government or to any other person, then the prices named herein will be increased or decreased accordingly, and any amount due to the contractor as a result of such change will be charged to the Government and entered on vouchers (or invoices) as a separate item. (Sec. 5, 41 Stat. 764, 765; 10 U.S.C. 1193) [Par. 7a, AR 5-100, Aug. 7, 1940, as amended by Proc. Cir. 62, W.D., Aug. 5, 1941]

§ 81.10 *Invitations for bids—(a) Preparation.*

(7) *Liquidated damages.*

(ii) The inclusion of liquidated damage clauses in supply contracts or orders under existing emergency conditions may frequently lead to conflicts in delivery or performance schedules with deliveries on other contracts or orders due to authorized preference ratings or allocations of materials. Accordingly, liquidated damage clauses will, during the existing emergency conditions, be included in supply contracts or orders only in exceptional cases or in cases where such conflict is not anticipated. (R.S. 3709; 31 Stat. 905, 32 Stat. 514; 41 U.S.C. 5, 10 U.S.C. 1201) [Par. 5, AR 5-140, May 22, 1940, as amended by Proc. Cir. 63, W.D., Aug. 7, 1941]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-5943; Filed, August 13, 1941; 9:44 a. m.]

¹ §§ 81.3 (a) (1) and 81.10 (a) (7) (ii) are amended.

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS¹§ 81.19 *Default in performance.*(g) *Acts of the Government.*

(3) *Priorities and allocations*—(i) *Statutory provisions.* The act approved May 31, 1941 (Public Law 89—77th Cong.), amending section 2 of the act approved June 28, 1940 (Public, No. 671—76th Cong.), in order to extend the power to establish priorities and allocate materials, provides among other things that:

Whenever the President is satisfied that the fulfillment of requirements for the defense of the United States will result in a shortage in the supply of any material for defense or for private account or for export, the President may allocate such material in such manner and to such extent as he shall deem necessary or appropriate in the public interest and to promote the national defense.

No person, firm, or corporation shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from his compliance with any rule, regulation, or order issued under this section.

(ii) *Liquidated damages.* Under the standard form of construction contract, and under the liquidated damage article of the standard form supply contract, where delivery is delayed through compliance with an authorized preference rating or allocation of material established at the instance of the Government under the provisions of the statutes referred to in (i) above, contracting officers will, in accordance with paragraph (f), grant such extension of time of performance or delivery as may be warranted by the facts in each case. (Act, June 28, 1940, Public, No. 671—76th Cong., as amended by act May 31, 1941, and Public Law 89—77th Cong.) [Par. 27c, AR 5-200, Jan. 2, 1940, as amended by Proc. Cir. 63, Aug. 7, 1941]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-5944; Filed, August 13, 1941;
9:45 a. m.]

CHAPTER IX—TRANSPORT

PART 93—TRANSPORTATION OF INDIVIDUALS²§ 93.1 *Dependents.*

(h) *Under Military Appropriation Act, 1942.* The provisions of the Military Appropriation Act, 1942, approved June 30, 1941 (Bull. No. 18, W.D., 1941), under "Travel of the Army", authorize transportation of dependents of the personnel mentioned in said act, i. e., personnel of

the National Guard while in the service of the United States and of the Officers' Reserve Corps and the Enlisted Reserve Corps ordered to active duty for periods in excess of sixty-one days, "as now authorized by law for personnel of the Regular Army." Under the governing statutes personnel of the Regular Army, other than retired personnel, ordered to active duty, are entitled to transportation of dependents or reimbursement therefor only upon permanent change of station. It therefore follows that the personnel mentioned above are entitled to transportation of dependents at Government expense only upon permanent change of station. The above-cited appropriation act, does, however, authorize transportation of dependents of retired officers, warrant officers, and enlisted men of the first three grades of the Regular Army, and of enlisted men of the first three grades of the Regular Army Reserve ordered to active duty, on permanent change of station, and from their homes to their first duty stations upon being ordered to active duty, and from their last stations to their homes upon relief from such active duty. (R.S. 161, 5 U.S.C. 22; Act June 30, 1941, Public Law 139—77th Cong.) [Cir. 154, W.D., July 31, 1941]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-5945; Filed, August 13, 1941;
9:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3646]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF THE C. F. SAUER COMPANY

§ 3.45 (c) 1) *Discriminating in price—Direct discrimination—Charges and prices.* In the sale of mayonnaise, salad dressing, extracts, spices, tea, pepper, insecticides, or others of respondent's products in commerce, and among other things, as in order set forth, (1) discriminating, directly or indirectly, in the price of any such products of like grade and quality by selling any such product or products to any purchaser at a price or prices materially different from those at which sales are made to any other purchaser where those buying at such different prices compete in the resale of such product or products, or where the effect is, or may be, to injure, destroy, or prevent competition with any favored purchaser or his customers; and (2) otherwise discriminating in price, either directly or indirectly, among different purchasers of any such product or products of like grade and quality in any manner prohibited by Section 2 (a) of the Clayton Act as amended; prohibited. (Sec. 2 (a), 49 Stat. 1526; 15 U.S.C.,

Supp. IV, sec. 13 a) [Cease and desist order, The C. F. Sauer Company, Docket 3646, July 31, 1941]

§ 3.45 (c) 2) *Discriminating in price—Direct discrimination—Compensatory payments.* In connection with the sale in commerce of any of respondent's products, i. e., mayonnaise, salad dressing, extracts, spices, tea, pepper, insecticides, or others thereof, and among other things, as in order set forth, paying, or contracting to pay, or granting or allowing, anything of value to or for the benefit of any customer as compensation or in consideration for any advertising, promotive, or other services or facilities furnished by, or through, such customer in connection with the processing, handling, sale, or offering for sale of any such product or products, unless such payments or allowances are available on proportionally equal terms to all other customers competing in the distributing of such products, prohibited. (Sec. 2 (d), 49 Stat. 1527; 15 U.S.C., Supp. IV, sec. 13d) [Cease and desist order, The C. F. Sauer Company, Docket 3646, July 31, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 31st day of July, A. D. 1941.

This proceeding having been heard¹ by the Federal Trade Commission upon the amended complaint of the Commission, the answer of the respondent thereto, and a stipulation as to the facts entered into between the respondent herein and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of subsection (a) and subsection (d) of Section 2 of an Act of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes" (the Clayton Act, U.S.C. Title 15, section 13), as amended by the Robinson-Patman Act, approved June 19, 1936:

It is ordered, That respondent The C. F. Sauer Company, a corporation, its officers, directors, representatives, agents, and employees, directly or through any corporate or other device, in the sale of mayonnaise, salad dressing, extracts, spices, tea, pepper, insecticides, or other of its products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist:

(1) From discriminating, directly or indirectly, in the price of any such products of like grade and quality by selling any such product or products to any purchaser at a price or prices materially different from those at which sales are made to any other purchaser where those

¹ § 81.19 (g) (3) is amended.

² § 93.1 (h) is added.

¹ 4 F.R. 4165.

buying at such different prices compete in the resale of such product or products, or where the effect is, or may be, to injure, destroy, or prevent competition with any favored purchaser or his customers;

(2) From otherwise discriminating in price, either directly or indirectly, among different purchasers of any such product or products of like grade and quality in any manner prohibited by section 2 (a) of the said Clayton Act as amended.

It is further ordered, That said respondent, its officers, directors, representatives, agents, and employees, directly or through any corporate or other device, in connection with the sale of any of respondent's aforesaid products in commerce, as "commerce" is defined in the said Clayton Act, do forthwith cease and desist from paying, or contracting to pay, or granting or allowing, anything of value to or for the benefit of any customer as compensation or in consideration for any advertising, promotive, or other services or facilities furnished by, or through, such customer in connection with the processing, handling, sale, or offering for sale of any such product or products, unless such payments or allowances are available on proportionally equal terms to all other customers competing in the distribution of such products.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-5955; Filed, August 13, 1941;
11:29 a. m.]

[Docket No. 4078]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF THERMALAID METHOD, INC., ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Disseminating, etc., in connection with offer, etc., of a therapeutic device sold under the name Thermalaid, or any substantially similar device, any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said Thermalaid, which advertisements represent, directly or through inference, (1) that the use of Thermalaid will prolong the vigorous years of one's life and recuperate one's vitality or sex virility; (2) that the use thereof will provide a competent and effective cure or remedy for prostatic gland disorders; (3) that the use thereof will provide a cure for all types of prostatic trouble; (4) that the use thereof constitutes a competent or effective treatment for hypertrophy (en-

largement or added growth) or atrophy (hardening) of the prostate gland; (5) that sex weaknesses and loss of manhood, when due to prostate trouble, will be benefited by the use of Thermalaid; and (6) that the use thereof will provide any relief from prostate gland disorders in excess of the benefit that might result from the local application of heat in cases of acute or chronic prostatitis in its milder forms; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Thermalaid Method, Inc., et al., Docket 4078, July 25, 1941]

In the Matter of Thermalaid Method, Inc., a Corporation, and Charles H. McFarland, an Individual

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of July, A. D. 1941.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission and a stipulation as to the facts entered into between the respondents herein and Richard P. Whiteley, Assistant Chief Counsel for the Commission, which provides among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondents herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Thermalaid Method, Inc., a corporation and its officers, and respondent, Charles H. McFarland, an individual, and the aforesaid respondents' respective representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of a therapeutic device sold under the name, Thermalaid, or any device of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisements

(a) by means of the United States Mails, or

(b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisements represent, directly or through inference,

(1) That the use of Thermalaid will prolong the vigorous years of one's life and recuperate one's vitality or sex virility.

(2) That the use of Thermalaid will provide a competent and effective cure or remedy for prostatic gland disorders.

¹ 6 F.R. 2529.

(3) That the use of Thermalaid will provide a cure for all types of prostatic trouble.

(4) That the use of Thermalaid constitutes a competent or effective treatment for hypertrophy (enlargement or added growth) or atrophy (hardening) of the prostate gland.

(5) That sex weaknesses and loss of manhood, when due to prostate trouble, will be benefited by the use of Thermalaid.

(6) That the use of Thermalaid will provide any relief from prostate gland disorders in excess of the benefit that might result from the local application of heat in cases of acute or chronic prostatitis in its milder forms.

2. Disseminating or causing to be disseminated any advertisements by any means for the purpose of inducing or which are likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said Thermalaid, which advertisements contain any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-5956; Filed, August 13, 1941;
11:29 a. m.]

[Docket No. 4265]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF LEE BOYER'S CANDY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of candy or any other merchandise, (1) selling, etc., any merchandise so packed and assembled that sales thereof to the public are to be, or may be, made by means of a game of chance, gift enterprise or lottery scheme; (2) supplying, etc., others with assortments of any merchandise, together with push or pull cards, punch boards or other devices, which said push or pull cards, punch boards or other devices are to be, or may be, used in selling or distributing said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; (3) supplying, etc., others with push or pull cards, punch boards or other devices, which said push or pull cards, punch boards or other devices are to be, or may be, used in the sale or distribution of said merchandise to the public at retail; and (4) selling, etc., any merchandise by means of a game of chance, gift enterprise or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as

amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Lee Boyer's Candy, Docket 4265, August 6, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of August, A. D. 1941.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission, and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent Lee Boyer's Candy, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of candy or any other merchandise, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing any merchandise so packed and assembled that sales of said merchandise to the public are to be made or may be made by means of a game of chance, gift enterprise or lottery scheme;

(2) Supplying to or placing in the hands of others assortments of any merchandise, together with push or pull cards, punch boards or other devices, which said push or pull cards, punch boards or other devices are to be used or may be used in selling or distributing said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme;

(3) Supplying to or placing in the hands of others push or pull cards, punch boards or other devices, which said push or pull cards, punch boards or other devices are to be used or may be used in the sale or distribution of said merchandise to the public at retail;

(4) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-5953; Filed, August 13, 1941; 11:28 a. m.]

¹ 6 F.R. 2071.

[Docket No. 4276]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF GIANT TIGER CORPORATION

§ 3.45 (e) 1) *Discriminating in price—Indirect discrimination—Brokerage payments.* In connection with the purchasing of commodities in interstate commerce, (1) accepting from sellers, directly or indirectly, any allowance or discount in lieu of brokerage fees or commissions in whatever manner or form said allowances, discounts, brokerage fees or commissions may be offered, allowed, granted, paid or transmitted; and (2) accepting from sellers, in any manner or form whatever, directly or indirectly, anything of value as a commission, brokerage fee or other compensation or any allowance or discount in lieu thereof upon purchases of commodities made by respondent; prohibited. (Sec. 2 (c), 49 Stat. 1527; 15 U.S.C., Supp. IV, sec. 13c) [Cease and desist order, Giant Tiger Corporation, Docket 4276, July 31, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 31st day of July, A. D. 1941.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission and substitute answer of respondent, in which answer respondent admits all of the material allegations of fact set forth in said complaint and states that it waives all intervening procedure and further hearings as to said facts and expressly waives the filing of briefs and oral argument, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of section 2 (c) of the Clayton Act, as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C. Title 15, sec. 13);

It is ordered, That the respondent Giant Tiger Corporation, a corporation, its officers, directors, agents, employees and representatives, jointly or severally, directly or through any corporate or other device, in connection with the purchasing of commodities in interstate commerce, do forthwith cease and desist from:

(1) Accepting from sellers, directly or indirectly, any allowance or discount in lieu of brokerage fees or commissions in whatever manner or form said allowances, discounts, brokerage fees or commissions may be offered, allowed, granted, paid or transmitted; and

(2) Accepting from sellers in any manner or form whatever, directly or indirectly, anything of value as a commission, brokerage fee or other compensation or any allowance or discount in lieu thereof upon purchases of commodities made by respondent.

¹ 5 F.R. 3568.

It is further ordered, That the said respondent Giant Tiger Corporation, a corporation, shall within sixty (60) days after service upon it of this order file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist hereinabove set forth by the Commission.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-5957; Filed, August 13, 1941; 11:30 a. m.]

[Docket No. 4288]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF ATLAS WALL PAPER MILLS, INC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.69 (b) 12) *Misrepresenting oneself and goods—Goods—Qualities or properties:* § 3.69 (b) 15.3) *Misrepresenting oneself and goods—Goods—Results.* In connection with offer, etc., in commerce, of respondent's wall paper, (1) representing that wall paper is washable, water-resisting, color-fast or non-fading when such paper is affected in appearance, or otherwise, when washed or cleaned with water or when exposed to sunlight; and (2) using the terms "washable", "water-resisting", "color-fast" or "printed with the best non-fading colors obtainable", or any other term or terms of similar import and meaning, to designate, describe or refer to wall paper which is affected in appearance, or otherwise, when washed or cleaned with water or when exposed to sunlight; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Atlas Wall Paper Mills, Inc., Docket 4288, August 6, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of August, A. D. 1941.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusions that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Atlas Wall Paper Mills, Inc., its officers, representatives, agents and employees, directly or through any corporate or

¹ 5 F.R. 4341.

other device, in connection with the offering for sale, sale and distribution of its wall paper in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that wall paper is washable, water-resisting, color-fast or non-fading, when such paper is affected in appearance, or otherwise, when washed or cleaned with water or when exposed to sunlight;

(2) Using the terms "washable", "water-resisting", "color-fast" or "printed with the best non-fading colors obtainable", or any other term or terms of similar import and meaning, to designate, describe or refer to wall paper which is affected in appearance, or otherwise, when washed or cleaned with water or when exposed to sunlight.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-5958; Filed, August 13, 1941;
11:30 a. m.]

[Docket No. 4474]

PART 3—DIGEST OF CEASE AND DESIST
ORDERS

IN THE MATTER OF BENGOR PRODUCTS
COMPANY, ETC.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of respondents' cigar and cigarette lighters, or any other merchandise, (1) selling, etc., cigar or cigarette lighters or any other merchandise so packed and assembled that sales thereof to the general public are to be, or may be, made by means of a game of chance, gift enterprise, or lottery scheme; (2) supplying, etc., others with punchboards, push or pull cards, pull tabs or other lottery devices, either with assortments of merchandise or separately, which said punchboards, push or pull cards, pull tabs or other lottery devices are to be, or may be, used in selling or distributing said cigar and cigarette lighters or other merchandise to the public; and (3) selling, etc., any merchandise by means of a game of chance, gift enterprise or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Bengor Products Company, etc., Docket 4474, July 31, 1941]

In the Matter of Benjamin Gordon and Louis Gordon, Individually and Trading as Bengor Products Company and Magnet Merchandise Company

At a regular session of the Federal Trade Commission, held at its offices in

the City of Washington, D. C., on the 31st day of July, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint, and state that they waive all intervening procedure and further hearing as to the said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents Benjamin Gordon and Louis Gordon, individually and trading as Bengor Products Company and Magnet Merchandise Company, or trading under any other name, their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their cigar and cigarette lighters or any other merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing cigar or cigarette lighters or any other merchandise so packed and assembled that sales of such cigar or cigarette lighters or other merchandise to the general public are to be made or may be made by means of a game of chance, gift enterprise, or lottery scheme;

(2) Supplying to, or placing in the hands of, others, punchboards, push or pull cards, pull tabs or other lottery devices either with assortments of merchandise or separately, which said punchboards, push or pull cards, pull tabs or other lottery devices are to be used or may be used, in selling or distributing said cigar and cigarette lighters or other merchandise to the public;

(3) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the respondents shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-5959; Filed, August 13, 1941;
11:30 a. m.]

[Docket No. 4497]

PART 3—DIGEST OF CEASE AND DESIST
ORDERS

IN THE MATTER OF ZIPPO MANUFACTURING
COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection

with offer, etc., in commerce, of cigar and cigarette lighters, or any other merchandise, (1) selling, etc., any merchandise so packed or assembled that sales thereof to the public are to be, or may be, made by means of a game of chance, gift enterprise, or lottery scheme; (2) supplying, etc., others with punchboards, push or pull cards, pull tabs, or other lottery devices, either with assortments of merchandise or separately, which said punchboards, push or pull cards, pull tabs, or other lottery devices are to be, or may be, used in selling or distributing said merchandise to the public; and (3) selling, etc., any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Zippo Manufacturing Company, Docket 4497, August 6, 1941]

In the Matter of George G. Blaisdell, Walter G. Blaisdell, and Homer G. Barcroft, Individuals Trading as Zippo Manufacturing Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of August, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents, in which answer respondents admitted all the material allegations of fact set forth in said complaint and stated that they waived all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents George G. Blaisdell, Walter G. Blaisdell, and Homer G. Barcroft, individuals, trading as Zippo Manufacturing Company, or under any other name, either jointly or severally, their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of cigar and cigarette lighters, or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing any merchandise so packed or assembled that sales of such merchandise to the public are to be made, or may be made, by means of a game of chance, gift enterprise, or lottery scheme;

(2) Supplying to, or placing in the hands of, others punch boards, push or pull cards, pull tabs, or other lottery devices, either with assortments of merchandise or separately, which said punch boards, push or pull cards, pull tabs, or other lottery devices are to be used, or may be used, in selling or distributing said merchandise to the public;

(3) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the respondent shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-5954; Filed, August 13, 1941;
11:29 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER I—COMMODITY EXCHANGE ADMINISTRATION

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

ORDER AMENDING RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE UNDER THE COMMODITY EXCHANGE ACT, AS AMENDED

By virtue of the authority vested in the Secretary of Agriculture by sections 4f (1) and 4g of the Commodity Exchange Act, as amended (7 U.S.C., Sup. V, secs. 6f (1) and 6g), § 1.10 of the Rules and Regulations of the Secretary of Agriculture under the Commodity Exchange Act, as amended, comprising section 1.10 chapter I, title 17, Code of Federal Regulations, is amended to read as follows:

§ 1.10 *Applications for registration required on prescribed forms; financial statements of futures commission merchants; registration suspended or revoked for willful misrepresentation.* Application for registration as futures commission merchant shall be made on Form 1-R. Application for registration as floor broker shall be made on Form 2-R. Application forms may be obtained from the Commodity Exchange Administration, United States Department of Agriculture, Washington, D. C., or from any field office thereof. Each application shall be executed and filed in accordance with the instructions appearing on the prescribed form.

Every application for registration as futures commission merchant shall be accompanied by a supplemental statement on Form 1-RF, showing the financial condition of the applicant as of a date not more than 6 months prior to the date of filing application; *Provided*, That the latest statement of financial condition submitted by the applicant to any commodity or securities exchange of which applicant is a member which includes substantially the same information concerning applicant's financial condition as that required on Form 1-RF, as of a date not more than 6 months

prior to the filing of application, may be filed with the application in lieu of statement on Form 1-RF: *Provided further*, That in exceptional instances, upon good cause shown, the Chief of the Commodity Exchange Administration may extend, for not to exceed 60 days, the time for the filing of the applicant's financial statement.

Every statement on Form 1-RF and every statement filed in lieu thereof shall bear the verification of the applicant in the following form, to wit:

Applicant represents that all information contained or incorporated in this financial statement is true to the best of applicant's knowledge and belief.

Dated at _____, the _____ day of _____ 19____.

If the applicant is a partnership, the financial statement shall be signed in the name of the partnership by a general partner and the signature witnessed. If the applicant is a sole proprietorship, the financial statement shall be signed by the proprietor and the signature witnessed. If the applicant is a corporation or other form of organization, the financial statement shall be signed in the name of the corporation or other organization by the president, vice president, or other principal officer, attested and the seal affixed by the secretary or other authorized officer.

Willful misrepresentation or concealment by the applicant (or registrant) of any material fact in an application for registration or in any statement supplemental thereto shall constitute cause for the suspension or revocation of registration. (Secs. 4f (1), 4g, as added by sec. 5, 49 Stat. 1495, 1496; 7 U.S.C., Sup. 6g (1), 6g)

Done at Washington, D. C. this 12th day of August 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-5952; Filed, August 13, 1941;
11:24 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T. D. 50448]

PART 22—CUSTOMS FINANCIAL AND PROCEDURE ACCOUNTING

RATES OF EXTRA COMPENSATION FOR OVERTIME SERVICES¹

The United States Court of Appeals for the District of Columbia has held, in the case of *Harry A. Meyer, Appellant v. Henry Morgenthau, Jr., Individually and as Secretary of the Treasury of the United States, et al., Appellees* (No. 7799), decided July 21, 1941, that for the purposes of section 5 of the Act of February 13, 1911, 36 Stat. 901, as amended by

¹ This document affects 19 CFR, 22.23.

the Act of February 7, 1920, 41 Stat. 402 (U.S.C., title 19, sec. 267), the gross daily rate of regular compensation of a customs officer or employee is the rate to be used in computing overtime compensation for such officer or employee, and that T. D. 49669, providing that when the gross daily rate of regular compensation is less than \$5 or more than \$8 the daily rate of extra compensation is fixed at a minimum of \$5 or a maximum of \$8, as the case may be, is invalid.

Therefore, T. D. 49669 is hereby revoked; § 22.23 (a) [paragraph (a) of article 1244 of the Customs Regulations of 1937], added by said T. D. 49669, is deleted; and paragraphs (b), (c), (d), (e), and (f) of § 22.23, as redesignated by said T. D. 49669, are designated again as (a), (b), (c), (d), and (e), respectively. (R.S. 161; 5 U.S.C. 22)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: August 11, 1941.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41-5938; Filed, August 12, 1941;
4:09 p. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-969]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 10 FOR TRUCK SHIPMENT

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for truck shipment for the coals produced at the mines of certain code members in District No. 10; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act:

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 330.25 (*General prices in cents per net ton for shipment into all mar-*

(60) days from the date of this Order, unless the Director shall otherwise order.
Dated: August 5, 1941.

(SEAL) H. A. GRAY,
Director.

erning Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. It is further ordered, That the relief herein granted shall become final sixty

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this "Supplement T" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Prices Schedule for District No. 10 and Supplements thereto.

FOR TRUCK SHIPMENTS

§ 330.25 General prices in cents per net ton for shipment into all market areas—Supplement T

| Code member index | Mine index No. | Mine | Seam | Prices and size group Nos. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|----------------|---|--------|----------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--|--|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | | |
| SECTION No. 3. WARREN COUNTY | 1473 | Howards Coal Mine (Charles Howard) | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 185 | 165 | 160 | 155 | 155 | 155 | 125 | 115 | 60 | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SECTION No. 5 GREENE COUNTY | 1465 | Bateman, Clem | 2 | 255 | 250 | 245 | 235 | 230 | 225 | 170 | 165 | 160 | 155 | 155 | 155 | 125 | 115 | 60 | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SCHUYLER COUNTY | 1469 | Stinger Coal Co. | | 255 | 250 | 245 | 235 | 230 | 225 | 170 | 165 | 160 | 155 | 155 | 155 | 125 | 115 | 60 | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SECTION No. 10 WILLIAMSON COUNTY | 1466 1467 | Foder, Rudolph T. Greer, Lowell (Valley Stone Co.) | 6 6 | 215 | 215 | 215 | 200 | 195 | 190 | 180 | 160 | 150 | 150 | 150 | 150 | 130 | 130 | 65 | | | | | | | | | | | | | | | | |
| | | | | 215 | 215 | 215 | 200 | 195 | 190 | 180 | 160 | 150 | 150 | 150 | 150 | 150 | 130 | 130 | 65 | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

[F. R. Doc. 41-5921; Filed, August 12, 1941; 10:14 a. m.]

[Docket No. A-593] PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER OF THE DIRECTOR GRANTING RELIEF IN THE MATTER OF THE PETITION OF M & S COAL COMPANY, A PRODUCER, IN DISTRICT NO. 10, FOR A CHANGE IN THE EFFECTIVE MINIMUM PRICES

An original petition, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, having been filed by the M & S Coal Company, a code member producer in District 10, operating the Orchard Mine (Mine Index No. 92), seeking temporary and final orders which would permit the petitioner (1) to reduce its prices on 6" x 1 1/4" egg coal, mine run, and screenings shipped by rail into Market Area 29, Market Areas 40,

members, and by the Consumers' Counsel Division of the Department of the Interior;

A hearing having been held before a duly designated Examiner of the Division at a hearing room thereof in St. Louis, Missouri, at which all interested persons were afforded an opportunity to appear and fully participate in the proceedings;

The parties having waived the preparation and filing of an Examiner's report and the matter thereupon having been submitted to the Director for disposition;

The Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion, which are filed herewith;

Now, therefore, it is ordered, That \$ 330.9 (General prices) in the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck be and it hereby is amended by reducing from \$2.25 to \$2.15 the minimum price for mine run coal for railroad locomotive fuel produced by the M & S Coal Company at its Orchard Mine (Mine Index No. 92).

It is further ordered, That in all other respects the prayers for relief contained in the several petitions filed herein be, and they hereby are, denied.
Dated: August 12, 1941.

(SEAL) H. A. GRAY,
Director.

[F. R. Doc. 41-5949; Filed, August 13, 1941; 9:49 a. m.]

[Docket No. A-687]

PART 333—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 13

ORDER OF THE DIRECTOR GRANTING RELIEF IN PART IN THE MATTER OF THE PETITION OF MARIGOLD MINING COMPANY, A CODE MEMBER IN DISTRICT 13, FOR A CHANGE IN THE EFFECTIVE MINIMUM PRICES

An original petition in this matter having been filed with the Bituminous Coal Division, pursuant to the provisions of the Bituminous Coal Act of 1937, by the Marigold Mining Company, a code member in District 13, requesting permission to absorb, as of December 6, 1940, the 25 cent per ton transportation charge on coals shipped from petitioner's mine (Mine Index No. 29) to Jasper, Alabama, for use as locomotive fuel;

A hearing in this matter, pursuant to Order of the Director, having been held on March 14, 1941, before a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The parties to this proceeding having waived the preparation and filing of an Examiner's report, and the matter having thereupon been submitted to the Director;

The Director having made Findings of Fact and Conclusions of Law and having filed an opinion, which are filed herewith:

Now, therefore, it is ordered, That § 333.7 (Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads) in the Schedule of Effective Minimum Prices for District No. 13 for All Shipments Except Truck be and it hereby is amended by adding a note as follows:

Mine having Index No. 29 may reduce the above prices by an amount equal to the actual charge accruing to The Alabama Central Railroad applicable on the movement of railroad locomotive fuel consigned to the Southern Railroad Company, St. Louis and San Francisco Railroad Company or Illinois Central Railroad Company. The maximum absorption, however, shall not exceed 25 cents per ton.

It is further ordered, That in all other respects the prayer for relief herein is denied.

Dated: August 12, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-5950; Filed, August 13, 1941;
9:49 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VII—COUNCIL OF
NATIONAL DEFENSE

ORDER OF THE COUNCIL OF NATIONAL DEFENSE REVOKING THE ORDER CREATING THE OFFICE FOR COORDINATION OF COM-

No. 158—2

COMMERCIAL AND CULTURAL RELATIONS BETWEEN THE AMERICAN REPUBLICS

The Office of the Coordinator of Inter-American Affairs having been established in the Executive Office of the President by Executive Order¹ with authority to exercise all the powers and responsibilities now vested in the Office for Coordination of Commercial and Cultural Relations Between the American Republics, the order of the Council of National Defense heretofore approved on August 16, 1940,² establishing the Office for Coordination of Commercial and Cultural Relations Between the American Republics is hereby revoked. In order that any unfinished business now pending under any contracts heretofore entered into by the said Office for Coordination of Commercial and Cultural Relations Between the American Republics, for and on behalf of the United States, may be duly carried on and completed, such contracts and all other records of the said Office shall be placed in the custody and control of such office, division, committee, or other agency as may be designated by the President to perform the functions and duties heretofore performed by the Office for Coordination of Commercial and Cultural Relations Between the American Republics.

This Order shall take effect when approved by the President.

HENRY L. STIMSON,
Secretary of War.

RALPH A. BARD,
Acting Secretary of the Navy.

HAROLD L. ICKES,
Secretary of the Interior.

CLAUDE R. WICKARD,
Secretary of Agriculture.

JESSE H. JONES,
Secretary of Commerce.

D. W. TRACEY,
Acting Secretary of Labor.

Approved:

FRANKLIN D. ROOSEVELT
The White House, July 30, 1941.

[F. R. Doc. 41-5915; Filed, August 12, 1941;
9:45 a. m.]

CHAPTER XI—OFFICE OF PRICE
ADMINISTRATION AND CIVILIAN
SUPPLY

PART 1334—SUGAR

PRICE SCHEDULE NO. 16, RAW CANE SUGARS

The Office of Price Administration and Civilian Supply is charged with the maintenance of price stability and the prevention of undue price rises and price dislocations. I find that the supplies of sugar are ample; in fact, they exceed those supplies which were required to satisfy consumption last year and are sufficient this year to provide consumers with the highest per capita consumption

¹ 6 F.R. 3857.

² 5 F.R. 2938.

on record. The current sharp upswing of sugar prices is detrimental to the public interest and national defense, and will, if not stopped, cause serious dislocations.

Accordingly, under the authority vested in me by Executive Order No. 8734,¹ it is hereby directed that:

§ 1334.1 *Maximum prices for raw cane sugars.* On and after August 14, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, except as may be provided in a supplement or supplements to this Schedule, no person shall sell, offer to sell, deliver or transfer raw cane sugars to any person, and no person shall buy, offer to buy, or accept delivery of raw cane sugars from any person, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1334.9. These prices are gross prices before discounts of any nature are deducted and they include all commissions.*

*§§ 1334.1 to 1334.9, inclusive, issued pursuant to the authority contained in Executive Order No. 8734.

§ 1334.2 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid, or offered.*

§ 1334.3 *Records.* Every person making purchases or sales of raw cane sugars after August 14, 1941, shall keep for inspection by the Office of Price Administration and Civilian Supply for a period of not less than one year complete and accurate records of:

(a) Each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, the quantity of each kind or grade purchased or sold; and

(b) The quantity of raw cane sugars (1) On hand, and (2) On order, as of the close of each calendar month.*

§ 1334.4 *Enforcement.* In the event of refusal or failure to comply with the price limitations, record requirements, or other provisions contained in this Schedule, or in the event of any evasion or attempt to evade the price regulations or other provisions contained in this Schedule, this Office will make every attempt to assure: (a) That the Congress and the public are fully informed of any failure to abide by the provisions of this Schedule, and (b) that the powers of the Government are fully exerted in order to protect the public interest and the interests of those persons who conform with this Schedule in the maintenance of the maximum prices herein set forth. Persons who have evidence of the demand or receipt of prices above the limitation set forth or of any evasion of or attempt to evade such requirements or of speculation or manipulation of the prices of sugar or of the hoarding or accumulation of unnecessary inventory thereof, are urged to communicate with the Office of Price Administration and Civilian Supply.*

¹ 6 F.R. 1917.

§ 1334.5 *Supplements to the schedule.* In order to insure compliance with this Schedule, supplements further defining its scope, and, if necessary, requiring reports to the Government will be issued from time to time when found appropriate.*

§ 1334.6 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration and Civilian Supply for approval of any modification thereof or exception therefrom.*

§ 1334.7 *Definitions.* When used in this Schedule, the term:

(a) "Person" includes an individual, corporation, association, partnership, or other business entity;

(b) "Raw cane sugars" means any sugars which are principally of crystalline structure and which are to be further refined or improved in quality, and any sugars which are principally not of crystalline structure but which are to be further refined or otherwise improved in quality to produce any sugars principally of crystalline structure.*

§ 1334.8 *Effective date of schedule.* This Schedule shall become effective on August 14, 1941.*

§ 1334.9 *Appendix A—Maximum prices for raw cane sugars.* (a) Maximum price raw cane sugars of 96 degrees polarization, New York City duty paid basis cost and freight, 3.50¢ per pound.

(b) Differentials for deliveries from off-shore producing areas to ports other than New York City: For deliveries at any port other than New York City, there shall be added to or subtracted from (whichever is required to compensate freight differences), the New York City price, adjusted for the various degrees of polarizations as below set forth, the difference, if any, between the cost of freight from the port of shipment to New York City and the cost of freight from the port of shipment to the port of arrival.

(c) Differentials for various polarizations: Allowances per pound on raw cane sugars shall be as follows: For the degree from 96 degrees to 97 degrees, add 1.50% of the above price; for the degree from 97 degrees to 98 degrees, add an additional 1.25% of the above price. For the degree from 96 degrees to 95 degrees, deduct 1.60% of the above price; for the degree from 95 degrees to 94 degrees, deduct an additional 2.00% of the above price; for the degree from 94 degrees to 93 degrees, deduct an additional 2.50% of the above price. Fractions of a degree in proportion.*

Issued this 13th day of August 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-5966; Filed, August 13, 1941; 12:03 p. m.]

Notices

WAR DEPARTMENT.

[Contract No. W-643-eng-2177]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: MEAD AND MOUNT CONSTRUCTION CO., 422 DENVER NATIONAL BANK BLDG., DENVER, COLORADO

Contract for: Construction of Additional Temporary Housing and Hospital Facilities.

Amount: \$1,194,855.00.

Place: Lowry Field, Denver, Colorado.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority No. Eng-1005 Pl-32 A-0540-12 the available balances of which are sufficient to cover the cost thereof.

This contract, entered into this 30th day of June 1941.

Statement of work. The contractor shall furnish all labor, materials and equipment (except materials and/or equipment to be furnished by the Government as specified herein) and perform all work for the construction and completion of additional temporary housing and hospital facilities at Lowry Field, Denver, Colorado, total amount \$1,194,855.00, in strict accordance with the specifications, schedules, and drawings, all of which are made a part hereof.

Changes. The contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings and/or specifications of this contract and within the general scope thereof.

Delays—Damages. If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in Article 1, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay. If the Government does not terminate the right of the contractor to proceed, the contractor shall continue the work, in which event the actual damages for the delay will be impossible to determine and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay until the work is completed or accepted the amount as set forth in the specifications or accompanying papers and the contractor and his sureties shall be liable for the amount thereof.

Payments to contractors. (a) Unless otherwise provided in the specifications, partial payments will be made as the

work progresses at the end of each calendar month, or as soon thereafter as practicable, on estimates made and approved by the contracting officer.

(b) In making such partial payments there shall be retained 10 percent on the estimated amount until final completion and acceptance of all work covered by the contract.

(c) All material and work covered by partial payments made shall thereupon become the sole property of the Government.

(d) Upon completion and acceptance of all work required hereunder, the amount due the contractor under this contract will be paid upon the presentation of a properly executed and duly certified voucher therefor.

This contract is authorized by the act of April 5, 1941.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-5939; Filed, August 12, 1941; 4:11 p. m.]

[Contract No. W-740-ORD-3]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: AMERICAN CAR AND FOUNDRY COMPANY, 30 CHURCH STREET, NEW YORK, NEW YORK

Contract¹ for: Forgings for Shell,
* * *

Amount: \$10,902,450.00.

Place: Rochester Ordnance District, 1238 Mercantile Bldg., Rochester, New York.

The Forgings for Shell to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority ORD 50,077 P 012 02A 0020 13, the available balance of which is sufficient to cover cost of same.

This contract, entered into this 13th day of June 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Finished Forgings for Shell, * * *, for the consideration stated ten million, nine hundred two thousand, four hundred fifty dollars (\$10,902,450.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the Contracting Officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

¹ Approved by the Under Secretary of War July 14, 1941.

Delays—Damages. If the Contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The Contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the Contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Quantities. The Government reserves the right to increase the quantity of supplies furnished under this contract by as much as * * * per cent and at a unit price of * * * dollars for the additional quantity by written notice from the Contracting Officer to the Contractor within * * * days from the date of final approval of this contract.

Termination for convenience of the Government. Should conditions arise which, in the opinion of the Head of the Department, make it necessary or advisable in the interest of the Government that work be discontinued under this contract, the Government may, by a notice in writing from the Contracting Officer to the Contractor of its intention to terminate under this Article, terminate this contract in whole or in part.

Facilities. (a) In order to manufacture and deliver the supplies under this contract, the Contractor will require, in addition to existing facilities, the new facilities listed in Appendix A attached hereto and made a part hereof. The cost of these facilities has been included in the contract price. Hence, the Contractor shall purchase, construct, or acquire these facilities for and at no additional cost to the Government. Title to these facilities shall vest in the Government upon inspection and approval by or for the Contracting Officer.

(b) As further consideration for the furnishing of supplies under this contract, the Government hereby leases to the Contractor the facilities referred to in paragraph 1 of this article, the terms of this lease to commence upon the vesting of title to any of these facilities in the Government, and to continue during the period that the Contractor shall require their use for work under this contract, provided that the period of this lease may be extended by written consent of the Contracting Officer in the event that additional contracts for the shell specified herein are awarded the Contractor.

(c) The Contractor shall procure and carry, at its own expense, fire insurance

on all property in its possession, or in the possession of any person other than the Government, title to which has vested or is about to vest in the Government, together with such other forms of insurance as are customarily carried on such property in the same area. Each such form of insurance shall be in a sum equal to the total amount of the Government's interest in such property. The Contractor shall keep such property so insured, free of cost to the Government, until delivered and accepted, or returned, as the case may be, to the Government.

This contract is authorized by the Act of Congress July 2, 1940 (Public No. 703—76th Congress).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-5941; Filed, August 13, 1941;
9:44 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1673-FD]

IN THE MATTER OF THE PITTSBURG & SHAWMUT COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 7349,
DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been previously scheduled for hearing on August 13, 1941, at the County Court Room, Kittanning, Pennsylvania, and the defendant having filed a motion praying for postponement of the hearing for one week in order to enable it to submit an offer of settlement, and having shown good cause for such postponement;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 o'clock in the forenoon of August 13, 1941 until 10 o'clock in the forenoon of August 20, 1941, at the place heretofore designated and before the officer previously designated to preside at said hearing.

Dated: August 12, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-5946; Filed, August 13, 1941;
9:48 a. m.]

[Docket No. A-878]

PETITION OF CHARLES LUCK, A CODE MEMBER IN DISTRICT 2, FOR AN ORDER REDUCING THE CLASSIFICATION FROM GROUP 2 TO GROUP 4 AND MINIMUM PRICES OF COAL PRODUCED AT THE HANLIN MINE, MINE INDEX NO. 344, FOR RAILROAD FUEL USE

ORDER OF THE DIRECTOR

An original petition having been filed on May 16, 1941 with the Bituminous Coal Division pursuant to section 4 II (d) of the Act by Charles Luck, a Code mem-

ber in District 2, requesting a change in price classification from Group 2 to Group 4 for coals produced at his Hanlin Mine (Mine Index No. 344) when shipped for railroad fuel use to all railroads;

A hearing having been held on June 30, 1941 pursuant to an Order of the Director dated May 28, 1941 before a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record thereupon having been submitted to the Director;

The Director having made Findings of Fact and Conclusions of Law and rendered an Opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That the prayers for relief contained in the petition of Charles Luck herein be and they are hereby denied.

Dated: August 12, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-5947; Filed, August 13, 1941;
9:49 a. m.]

[Docket No. A-899]

PETITION OF ROSS A. SWIGART, A CODE MEMBER IN DISTRICT NO. 19, FOR THE ESTABLISHMENT OF ADDITIONAL PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE SWIGART MINE (MINE INDEX NO. 177) IN THAT DISTRICT, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER DISMISSING PETITION

The original petitioner having moved that the proceedings in the above-entitled matter be dismissed, without prejudice, and there having been no opposition thereto

Now, therefore, it is ordered, That the original petition in the above-entitled matter be dismissed, without prejudice, and that the proceedings in this docket be closed.

Dated: August 12, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-5948; Filed, August 13, 1941;
9:49 a. m.]

General Land Office.

[Order No. 1596]

REGULATION OF MINING LEASES,
NEW MEXICO

AUGUST 5, 1941.

It is hereby ordered that, until further notice, no permits or leases under the mineral leasing laws shall be issued for the development of mineral deposits and the lands containing such deposits

owned by the United States within the townships described hereinafter unless required by existing law, and no application for such a permit or lease will be accepted.

NEW MEXICO

T. 22 S., Rs. 5, 6 and 7 E., N. M. P. M.
T. 23 S., Rs. 5, 6, 7 and 8 E., N. M. P. M.
T. 24 S., Rs. 5, 6 and 7 E., N. M. P. M.
T. 25 S., Rs. 5, 6 and 7 E., N. M. P. M.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 41-5940; Filed, August 13, 1941;
9:44 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 612]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 4, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | Amount |
|---|----------|
| Alabama 2037B1 Morgan..... | \$32,000 |
| Arkansas 2030A1 Arkansas..... | 230,000 |
| Arkansas 2031A1 Ashley..... | 172,000 |
| Colorado 2029D1 Phillips..... | 777,000 |
| Colorado 2034B1 Eagle..... | 176,000 |
| Colorado 2035A1 Chaffee..... | 150,000 |
| Georgia 2058D1 Butts..... | 183,000 |
| Georgia 2083D1 Jackson..... | 146,000 |
| Idaho 2004F1 Bonner..... | 82,000 |
| Illinois 2028C1 Champaign..... | 193,000 |
| Illinois 2038C1 McLean..... | 152,000 |
| Illinois 2041C1 Jefferson..... | 295,000 |
| Indiana 2102A1 Clay..... | 175,000 |
| Iowa 2040C2 Marion..... | 33,000 |
| Iowa 2059C1 Woodbury..... | 115,000 |
| Iowa 2060C1 Emmet-Dickinson..... | 115,000 |
| Kansas 2029B1 Republic..... | 125,000 |
| Kansas 2030B1 Nemaha..... | 163,000 |
| Louisiana 2010C2 Washington..... | 20,000 |
| Louisiana 2012C3 Franklin..... | 75,000 |
| Minnesota 2070G2 Hennepin..... | 185,000 |
| Minnesota 2094A2 North Itasca..... | 220,000 |
| Minnesota 2096A2 Beltrami..... | 249,000 |
| Minnesota 2097A1 Roseau..... | 218,000 |
| Mississippi 2036E1 Marion..... | 125,000 |
| Missouri 2042C1 Caldwell..... | 67,000 |
| Missouri 2045B1 Osage..... | 255,000 |
| Missouri 2057A1 Lincoln..... | 475,000 |
| Oklahoma 2006E1 Caddo..... | 99,000 |
| Pennsylvania 2013E1 Tioga..... | 163,000 |
| Pennsylvania 2014C1 Clearfield..... | 162,000 |
| Pennsylvania 2015F1 Bradford..... | 230,000 |
| Pennsylvania 2019B1 Warren..... | 135,000 |
| Pennsylvania 2021C1 Somerset..... | 105,000 |
| South Carolina 2041A1 York..... | 147,000 |
| South Dakota 2013A2 Custer..... | 108,000 |
| Tennessee 2009K1 Macon..... | 80,000 |
| Texas 2056E1 Lubbock..... | 56,000 |
| Texas 2065C1 Rusk..... | 125,000 |
| Texas 2095C2 Medina..... | 137,000 |
| Texas 2103B1 Polk..... | 150,000 |
| Texas 2107B1 Martin..... | 128,000 |
| Texas 2118A1 Henderson..... | 246,000 |
| Utah 2009A1 Beaver..... | 10,000 |
| Vermont 2007E2 Orleans..... | 138,000 |
| Virginia 2038C1 Loudoun..... | 119,000 |
| Virgin Islands 2001C1 St. Croix..... | 75,000 |
| Wisconsin 2027D1 Buffalo..... | 37,000 |
| Wisconsin 2059G1 Washington Island..... | 51,000 |
| Wyoming 2003C2 Fremont..... | 10,000 |

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-5935; Filed, August 12, 1941;
1:24 p. m.]

[Administrative Order No. 613]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 4, 1941.

By virtue of the authority vested in me by the provisions of Section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

| Project designation: | Amount |
|---------------------------------|----------|
| South Carolina 2041R1 York..... | \$30,000 |

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-5936; Filed, August 12, 1941;
1:24 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Act are issued under Section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective August 14, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of

these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

American Clothing Company, 251 Clifton Avenue, Clifton, New Jersey; Apparel; Sewing Men's Coats; 5 percent (75% of the applicable hourly minimum wage); August 14, 1942.

Ar-Cel Garment Company, Wilks and Fay Streets, Columbia, Missouri; Apparel; Cotton Dresses, Ladies' and Children's Underwear, Separate Skirts; 30 learners (75% of the applicable hourly minimum wage); November 27, 1941.

Blue Bell-Globe Manufacturing Company, Natchez, Mississippi; Apparel; Shirts, Trousers; 5 percent (75% of the applicable hourly minimum wage); August 14, 1942.

Bridgeton Dress Company, 20 Conahsey Street, Bridgeton, New Jersey; Apparel; Children's Dresses; 40 learners (75% of the applicable hourly minimum wage); November 27, 1941.

Driver Manufacturing Company, 2209 Fifth Avenue, Seattle, Washington; Apparel; Dresses, Lingerie; 2 learners (75% of the applicable hourly minimum wage); April 3, 1942.

Fashion Foundations, Inc., 37 West 26th Street, New York, New York; Apparel; Brassieres, Corsets, Corselettes; 5 learners (75% of the applicable hourly minimum wage); November 27, 1941.

Ideal Brassiere Company, 889 Broadway, New York, New York; Apparel; Brassieres; 10 learners (75% of the applicable hourly minimum wage); November 6, 1941.

The Liberty Frock Company, Inc., 205 East 22d Street, Kansas City, Missouri; Apparel; Ladies' wash dresses; 60 learners (75% of the applicable hourly minimum wage); December 11, 1941.

McMinnville Garment Company, Inc., McMinnville, Tennessee; Apparel; Work Pants; 70 learners (75% of the applicable hourly minimum wage); December 11, 1941.

Modern Form Foundations, Inc., 650 Sixth Avenue, New York, New York; Apparel; Girdles and Brassieres; 5 learners (75% of the applicable hourly minimum wage); November 27, 1941.

Rosenau Brothers, Inc., Main Street, Red Hill, Pennsylvania; Apparel; Children's dresses; 60 learners (75% of the applicable hourly minimum wage); November 27, 1941.

S. I. Novelty Company, Inc., 2961 Atlantic Avenue, Brooklyn, New York; Apparel; Beachwear, Snowsuits, Overalls, Shirts; 10 learners (75% of the applicable hourly minimum wage); November 27, 1941.

Soboroff-Rosenwald Company, 1500 North Ogden Avenue, Chicago, Illinois; Apparel; Men's and Boys' Cloth Hats and Caps; 15 learners (75% of the applicable hourly minimum wage); November 27, 1941.

American Feather Company, New York, New York; Artificial Flowers and Feath-

ers; Millinery Feathers; 3 learners; September 25, 1941.

Joseph Black & Sons Company, Inc., 1200 West Market Street, York, Pennsylvania; Hosiery; Seamless Hosiery; 25 learners; February 14, 1942.

Fort Payne Hosiery Mills, Inc., Fort Payne, Alabama; Hosiery; Seamless Hosiery; 5 percent; August 14, 1942.

Unity Hosiery Mills, 252 Troy Avenue, Brooklyn, New York; Hosiery; Full Fashioned Hosiery; 2 learners; August 14, 1942.

Whenball Hosiery Mills, Inc., Ashe Avenue, Newton, North Carolina; Hosiery; Seamless Hosiery; 5 learners; August 14, 1942.

Art Draperies Bed Set Manufacturing Company, 86 Forsythe Street, New York, New York; Textiles; Bedsets; 2 learners; November 24, 1941. (Omitted from FEDERAL REGISTER of August 11, 1941.)

Ben Greenberg and Brother, Inc., 2911 South LaSalle Street, Chicago, Illinois; Textiles; Chenille Bath Mats; 25 learners; December 11, 1941.

Signed at Washington, D. C., this 13th day of August 1941.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 41-5965; Filed, August 13, 1941;
11:55 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under Section 6 of the Act are issued under Section 14 thereof and § 522.5 (b) of the Regulations issued thereunder. (August 16, 1940, 5 F.R. 2862) to the employers listed below effective August 14, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review of reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

D. & M. Embroidery Company, 57 Kneeland Street, Boston, Massachusetts; Embroidery; 5 learners; Eight weeks for any one learner; 28 cents per hour; Em-

broidery Machine Operator; October 23, 1941.

Farrar-Brown Company, Inc., 273 Main Street, Biddeford, Maine; Auto parts, Accessories, Supplies and Equipment; 1 learner; Four weeks for any one learner; 25 cents per hour; Fitting Piston Pins, Lining Brakes, and Stock and Sales Clerk; September 25, 1941.

Fredwill Manufacturing Company, 13th and Bushkill Drive, Building 13, Easton, Pennsylvania; Fancy covered boxes; 25 learners; Six weeks (240 hours) for any one learner; 30 cents per hour; Fabric Pastors on Fancy Boxes; October 9, 1941.

Quincy Bookbinding Company, 107 Franklin Street, South Quincy, Massachusetts; Repairing and Rebinding School and Library Books; 2 learners; Six weeks for any one learner; 25¢ per hour; Book Repairer, Driller, Sewer and End Paperer; October 9, 1941.

The Venetian Art Company, 1406 Trolleyway, Venice, California; Plaster Art Novelties; 1 learner; Four weeks for any one learner; 25¢ per hour; Painter; September 25, 1941.

Signed at Washington, D. C., this 13th day of August 1941.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 41-5964; Filed, August 13, 1941;
11:55 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5719]

IN THE MATTER OF OTTER TAIL POWER COMPANY AND UNION PUBLIC SERVICE COMPANY

NOTICE OF AMENDMENT TO APPLICATION

AUGUST 9, 1941.

Notice is hereby given that on August 9, 1941, an amendment to joint application filed July 24, 1941, was filed with the Federal Power Commission, pursuant to the Federal Power Act, by Otter Tail Power Company and Union Public Service Company, corporations organized under the laws of the State of Minnesota and having their principal business offices in Fergus Falls, Minnesota, and St. Paul, Minnesota, respectively, seeking an order authorizing the issuance on the part of the surviving corporation (Otter Tail Power Company) of an additional \$1,200,000.00 of First Mortgage Bonds (making a total issue of \$5,400,000.00 of First Mortgage Bonds) for the purpose of refunding \$1,200,000.00 of outstanding Otter Tail Power Company bonds, all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest in reference to said application should, on or before August 18, 1941, file with the Federal Power Commission a petition or protest in ac-

cordance with the Commission's Rules of Practice and Regulations.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 41-5934; Filed, August 12, 1941;
12:12 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-377]

IN THE MATTER OF NY PA NJ UTILITIES COMPANY AND ASSOCIATED POWER CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of August, A. D. 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested person may, not later than August 29, 1941 at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

NY PA NJ Utilities Company, a registered holding company proposes to merge with itself Associated Power Corporation, a subsidiary company and thereby acquire all of the assets of Associated Power Corporation and assume all its liabilities.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-5960; Filed, August 13, 1941;
11:37 a. m.]

[File No. 70-243]

IN THE MATTER OF FEDERAL WATER SERVICE CORPORATION, SCRANTON SPRING-BROOK WATER SERVICE COMPANY, AND CARBON-DALE GAS COMPANY

ORDER CONSENTING TO WITHDRAWAL OF APPLICATIONS AND DECLARATIONS

At a regular session of the Securities and Exchange Commission held at its

office in the City of Washington, D. C., on the 12th day of August, A. D. 1941.

Federal Water Service Corporation, a registered holding company, and Scranton Spring-Brook Water Service Company and Carbondale Gas Company, which are subsidiaries thereof, having filed applications and declarations pursuant to the provisions of the Public Utility Holding Company Act of 1935 regarding the sale of all the gas assets of Scranton Spring-Brook Water Service Company to Carbondale Gas Company and certain related transactions; and

The parties above named having thereafter requested the withdrawal of such applications and declarations; and

It appearing that such request should be granted:

It is ordered, That consent be, and hereby is, given to such withdrawal.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-5961; Filed, August 13, 1941;
11:37 a. m.]

[File No. 70-358]

IN THE MATTER OF AMERICAN GAS AND
ELECTRIC COMPANY

ORDER PERMITTING DECLARATION TO BECOME
EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of August, A. D. 1941.

American Gas and Electric Company, a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935 and particularly section 12 (b) thereof and Rule U-45 thereunder regarding the making of a capital contribution or investment in the common stock of its wholly-owned subsidiary company, Kingsport Utilities, Incorporated, in the total amount of \$250,000, the proceeds of which are proposed to be used by Kingsport Utilities, Incorporated, for the purpose of increasing its capital surplus from \$275,000 to \$525,000 and to immediately utilize all of the \$525,000 capital surplus and \$167,936.18 of earned surplus to write off the amount of \$692,936.18 from Kingsport's Electric Plant Account, in compliance with a report by the Federal Power Commission relative to the reclassification and original cost studies of Kingsport's Electric Plant Account; and

Said declaration having been filed on July 23, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above named parties having requested that said declaration become effective as soon as possible; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration pursuant to Rule U-45 to become effective, and being satisfied that the effective date of such declaration should be advanced:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-5962; Filed, August 13, 1941;
11:37 a. m.]

IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION, GENERAL WATER GAS & ELECTRIC COMPANY, AND CALIFORNIA WATER SERVICE COMPANY

[File No. 70-340]

ORDER PERMITTING DECLARATIONS TO BECOME
EFFECTIVE AND GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of August, A. D. 1941.

The above-named persons having filed declarations and applications pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 7, 10 and 12 (f) thereof, and Rule U-43 thereunder, regarding the issue and sale by General Water Gas & Electric Company to International Utilities Corporation of a 3-year 4% promissory note in the sum of \$385,700, which note is to be secured by a pledge of 20,000 shares of Common Stock, \$25 par value, of California Water Service Company, a subsidiary company, and regarding the issue and sale by said California Water Serv-

ice Company to General Water Gas & Electric Company of 20,000 shares of Common Stock, \$25 par value, at a price of \$25 per share, or an aggregate consideration of \$500,000.

Said declarations and applications having been filed on June 27, 1941, and certain amendments having been filed thereto, the last of said amendments having been filed on August 5, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23, promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said applications and declarations within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said declarations, as amended, pursuant to section 7 and Rule U-43 of said Act to become effective and to grant the said applications, as amended, pursuant to sections 6 (b) and 10 of said Act, and finding with respect to said application under section 6 (b) of said Act that the requirements of section 6 (b) of said Act are satisfied, and finding with respect to said declaration under Section 7 of said Act that the requirements of section 7 (c) of said Act are satisfied and that no adverse findings are necessary under section 7 (d) of said Act, and finding with respect to said applications under Section 10 of said Act that no adverse findings are necessary under sections 10 (b) and 10 (c) (1) of said Act and that the transaction involved has the tendency required by section 10 (c) (2) of said Act, and finding with respect to said declaration under Rule U-43 that the requirements of section 12 (f) of said Act are satisfied;

It is hereby ordered, Pursuant to Rule U-23 of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declarations, as amended, be and hereby are permitted to become effective forthwith, and that the aforesaid applications, as amended, be and hereby are granted forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-5963; Filed, August 13, 1941;
11:37 a. m.]